

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSE LOPEZ,  
Plaintiff,  
v.  
R. REICH, et al.,  
Defendants.

Case No. [15-cv-05160-YGR](#) (PR)

**ORDER DISMISSING ACTION WITH  
PREJUDICE**

On September 2, 2016, the Court received a copy of the “Stipulation of Voluntary Dismissal With Prejudice” signed by both parties. Dkt. 40. The signed stipulation states:

Plaintiff Jose Lopez and Defendants Reich, Puget, Anderson, Hertz, Healy, Bradbury, Zamora, Marulli, Gates, Hodges and Allen have resolved this case in its entirety. Therefore, the parties stipulate to a dismissal of this action with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Each party shall bear its own litigation costs and attorney’s fees.

*Id.* at 2.

In addition, the Court has received from Plaintiff two notices of voluntary dismissal as to the remaining Defendants. Dkts. 39, 41. The signed notices state that Plaintiff “voluntarily dismisses with prejudice” Defendants Commons, Gongora, Milligan, Hall and Diaz under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). *See id.* A plaintiff has the absolute right to dismiss his or her action by filing a notice of dismissal “at any time before service by the adverse party of an answer or of a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(i). Said dismissal may be with or without prejudice. *See* Fed. R. Civ. P. 41(a)(1). Here, Plaintiff’s notices were filed before service by the adverse party of a motion for summary judgment. Therefore, the Court finds that Plaintiff has the absolute right to dismiss his claims against the aforementioned Defendants voluntarily. *See id.* Based on Plaintiff’s request for voluntary dismissal of said claims with prejudice, the Court acknowledges that his claims against Defendants Commons, Gongora, Milligan, Hall and Diaz are DISMISSED with prejudice. *See id.*

Accordingly, having been notified of the settlement as well as Plaintiff’s requests of

1 voluntary dismissal as to the remaining Defendants, and it appearing that no issue remains for the  
2 Court's determination,

3 IT IS HEREBY ORDERED THAT this action and all claims asserted herein against all  
4 named Defendants are DISMISSED WITH PREJUDICE. The Clerk of the Court shall enter  
5 judgment, terminate any pending motions, and close the file.

6 IT IS SO ORDERED.

7 Dated: September 27, 2016

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9 YVONNE GONZALEZ ROGERS  
10 United States District Judge  
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